

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

INFORMATICA CORPORATION, a
Delaware Corporation,

No. C 02-3378 JSW

Plaintiffs,

v.

**NOTICE OF TENTATIVE
RULING AND QUESTIONS**

BUSINESS OBJECTS DATA
INTEGRATION, INC., formerly known as
ACTA TECHNOLOGY, INC., a Delaware
Corporation,

Defendants.

AND RELATED COUNTERCLAIMS.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE
NOTICE OF THE FOLLOWING **TENTATIVE** RULING AND QUESTIONS FOR THE
HEARING SCHEDULED ON FEBRUARY 17, 2006:

The Court **tentatively GRANTS** defendant Business Objects Data Integration, Inc.'s
("BODI") motion to strike plaintiff Informatica Corporation's ("Informatica") newly asserted
claims of infringement. The Court has reviewed the parties' memoranda of points and
authorities and, thus, does not wish to hear the parties reargue matters addressed in those
pleadings. If the parties intend to rely on authorities not cited in their briefs, they are
ORDERED to notify the Court and opposing counsel of these authorities reasonably in advance
of the hearing and to make copies available at the hearing. If the parties submit such additional
authorities, they are ORDERED to submit the citations to the authorities only, without argument

1 or additional briefing. *See* Civ. L.R. 7-3(d). The parties will be given the opportunity at oral
2 argument to explain their reliance on such authority.

3 Each party will have fifteen minutes to address the following questions:

- 4 (1) Pursuant to the Patent Local Rules, Informatica may amend its Preliminary Infringement
5 Contentions to assert additional claims may only be made with leave of court upon a
6 showing of good cause. *See* Pat. L.R. 3-7; *see also LG Electronics Inc. v. Q-Lity*
7 *Computer Inc.*, 211 F.R.D. 360, 366-67 (N.D. Cal. 2002). How did the Court's claim
8 construction order and/or BODI's production of the most recent versions of its software
9 in October and November 2005 create good cause to assert additional claims?
- 10 (2) Does Informatica contend that the versions of BODI's software produced before October
11 2005 do not infringe the additional claims asserted in Informatica's Final Infringement
12 Contentions? If so, specifically how does the software produced in October and
13 November 2005 differ from the older versions so that the newer versions allegedly
14 infringe the additional claims and the older versions do not?
- 15 (3) Do the parties have anything further to add?

16 **IT IS SO ORDERED.**

17
18 Dated: February 15, 2006



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE